

REMARKS

In the Office Action of April 6, 2004, the Examiner stated that the amended claims presently in the application recite various features that were not originally claimed or embraced in the statement of the invention. As such, the Examiner has required the applicant to submit a Supplemental Oath or Declaration.

The applicant hereby objects to the Examiner's statement that the amended claims in the application are directed to subject matter not originally claimed or embraced by the statement of the invention. Specifically, the Examiner stated that the claim requirement that the motor housing be closely mounted to the impeller housing was not the subject matter of the original claims or embraced by the statement of the invention. Further, the Examiner stated that drawing exhaust gases into the impeller housing through an exhaust gas inlet formed in the impeller housing was also not originally claimed or embraced by the statement of the invention.

In the prior amendments filed during prosecution of the present application, the original claims 1 and 2 were cancelled and new independent claims 3 and 7 added to the application. As the Examiner correctly indicated, the close mounting of the motor housing to the impeller housing is clearly shown in Figure 1 of the application as filed by the inventor. The close mounting between the motor housing and the impeller housing prevents cooling air from entering into the motor housing from any other location other than the at least one vent aperture found in the motor housing. This feature of the invention was clearly contemplated by the inventor as being a feature of the invention, even though such feature was not originally claimed in the application as filed. However, the inventor clearly contemplated this feature as being important to the operation of the invention and, as such, such feature formed part of the invention.

Likewise, the requirement that the single impeller draw exhaust gases into the impeller housing from the furnace through an exhaust gas inlet was also clearly shown in the Figures as filed in the application. Although this feature was not specifically claimed in the application as filed, the use of a single rotating impeller to both draw cooling air and exhaust gases into the impeller housing was a feature of the invention identified and recognized by the inventor. Original claim 2 indicated that the exhaust port formed as part of the impeller

housing was for the removal of combustion gases that are drawn into the housing by the rotating impeller. Clearly, the impeller must draw the gases through an exhaust gas inlet formed in the impeller housing. Thus, it is the applicant's belief that this feature of the invention was included in the originally filed claims, and, as such, a Supplemental Oath or Declaration is not required.

Based upon the above discussion, it is the applicant's belief that a Supplemental Oath or Declaration is not required in this application since the claims in the application are not sufficiently different from the subject matter originally claimed or embraced. However, if the Examiner continues to require a Supplemental Oath or Declaration, the applicant will attempt to obtain such an Oath or Declaration from the inventor. Past attempts to contact the inventor have proven futile, since the inventor is now employed by a primary competitor of the assignee (Fasco) of the present application.

In the Office Action, the Examiner objected to the specification as failing to provide antecedent basis for the claimed subject matter. Specifically, the Examiner stated that the specification did not provide the proper antecedent basis for the terms inlet port, exhaust opening and exhaust outlet.

In the Amendment filed by the applicant on January 11, 2002, the specification was amended to indicate that an inlet port 41 was formed in the impeller housing to allow warm air to flow across the motor and into the impeller housing. Thus, the term inlet port is properly supported by the specification.

By the present Amendment, claim 1 has been amended to eliminate the term "exhaust outlet" and to use the term "outlet pipe". The term outlet pipe was included in the original application as filed as thus the term outlet pipe has the proper antecedent basis.

The term "exhaust opening" used in both claims 3 and 7 has been replaced with exhaust gas inlet as suggested by the Examiner, and is shown in original Figure 1 as the inlet from the furnace. By the present Amendment, the specification has been amended to specifically identify the inlet from the furnace as being the "exhaust gas inlet 43". Along with the present Amendment, a drawing change letter has been filed adding the new reference character 43 to Figure 1.

Based upon the above comments, as well as the amendments to the specification, the applicant is believed to have addressed the objects raised by the Examiner to the specification.

In the Office Action, claims 3, 5-8 and 10-12 were objected to as including several informalities. By the present response, the claims have been amended to correct the informalities identified by the Examiner such that claims 3, 5-8 and 10-12 are believed to be in condition for allowance.

In the Office Action, claims 7, 8 and 10-12 were rejected under 35 USC §102(f) because it was the Examiner's opinion that the applicant did not invent the claimed subject matter. Specifically, the Examiner cited the Stewart U.S. Patent No. 6,602,058 as generally disclosing and claiming the same subject matter as the present invention.

The Stewart '058 patent is commonly owned by the assignee of the present application (Fasco Industries, Inc.) and the assignees are intimately aware of both the Stewart '058 patent and the pending application.

The Stewart '058 reference is directed to a blower assembly for use with a hot water heater. The blower assembly includes this squirrel cage type impeller having a backplate 52 mounted facing the exhaust opening 32 positioned above the water heater exhaust discharge. The open end of the impeller opposite the backplate is positioned facing the motor housing 10 and has the primary function of causing a large flow of cooling gases to enter into the mixing chamber of the impeller where the large flow of cooling gases can mix with the high temperature exhaust gas from the water heater. The function of the impeller in the Stewart '058 patent is to primarily draw a large volume of cooling air in through the motor housing such that the cooling air can mix with the heated flue gases prior to discharge through the exhaust port. The position of the impeller is such that the backplate of the impeller faces the exhaust inlet opening, while the open end of the impeller faces the supply of cooling air.

The present invention, as described by independent claim 7, is directed to a furnace blower that includes an impeller having a backplate that faces the inlet port between the motor housing and the impeller housing and includes a plurality of apertures such that the flow of cooling air can be drawn over the motor housing and into the impeller cavity. The open end of the impeller faces the exhaust gas inlet to draw a large volume of exhaust gases

from the furnace into the impeller housing. Thus, claim 7 describes a furnace blower that draws in a large volume of exhaust gases from the furnace and mixes the exhaust gases with a small volume of cooling air. The Stewart '058 patent is directed to a blower for a water heater in which a large volume of cooling gas is drawn into the blower housing and is mixed within the impeller with a small volume of flue gases. Thus, although the Stewart '058 patent and the present application are directed to similar subject matter, the differences between a blower assembly for a furnace, as in the present application, and a blower for use with a water heater present different problems that were solved in a different but somewhat similar manner by the inventor of the Stewart '058 patent and the inventor of the present application. Thus, it is the applicants continued belief that the named inventor of the present application did indeed invent the claimed subject matter of the present application. For this reason, the applicant requests the Examiner to withdraw the §102(f) rejection of claims 7, 8 and 10-12.

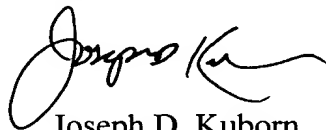
In the Office Action, the Examiner rejected claims 3, 5-8 and 10-12 under the judicially created doctrine of obviousness-type double patenting in view of the Stewart '058. Included with this response is a properly executed Terminal Disclaimer with respect to U.S. Patent No. 6,602,058.

CONCLUSION

By the present Amendment and the above arguments for allowance, claims 3, 5-8 and 10-12 are believed to be in condition for allowance. The Examiner is invited to contact the applicant's attorney with any questions or comments, or to otherwise facilitate prosecution of the present application.

Respectfully submitted,

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